?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
%DATED: 27.04.2019
*CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

+WP(MD)No.10549 of 2019

#S.Kailashanathan
... Petitioner
vs.

$1.The Government of Tamil Nadu,
Represented by the Secretary,
Finance,
St.George Fort,
Chennai ? 9.

2.The Director of Treasury and Accounts,
3rd Floor,
Veterinary Hospital Campus,
Annasalai,
Nandanam, Chennai ? 35.

4.The Joint Director,
Health and Welfare Department,
Tenkasi.

5.M/s.United India Insurance Company,
24, Whites Road, Chennai ? 600 014.
Through its Managing Director,

6.The Divisional Manager,
M/s.United Indian Insurance Company Ltd,
Palayamkottai,
Tirunelveli.

7.The District Treasury Officer,
Office of the District Treasury,
Tirunelveli ? 9. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the petitioner in Na.Ka.4764/2018/No.1 dated 25.03.2019 of the 7th respondent and quash the same and further direct the respondents to pay the petitioner a sum of Rs.3,00,692/~ with 12% interest from the date of discharge namely 24.01.2018 till payment.

!For Petitioner : Mr.T.S.R.Venkatramana

^For Respondents : Mr.V.Anand,
Nos.1 to 4 & 7 Special Government Pleader
For Respondent : Mr.A.Shajahan
Nos.5 and 6

:ORDER
This writ petition has been filed seeking to quash the impugned order dated 25.03.2019 passed by the 7th respondent and to direct the respondents to disburse Rs.53,177/~ spent by the petitioner for the treatment underwent by him.

2.Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respective respondents. By Consent, the writ petition is taken up for final disposal at the stage of admission itself.

3.The case of the petitioner, in brief, is as follows:
(i)The petitioner is a pensioner and he is also a subscriber to the Tamil Nadu New Health Insurance Scheme and he pays the subscription towards the same every month.
(ii)The petitioner was admitted in the Southern Heart Hospital at Tirunelveli, and underwent surgery for heart attack and she incurred expenditure to the tune of Rs.3,00,692/~ towards the same.

(ii)The grievance of the petitioner is that the claim sent by her for medical reimbursement was rejected by the 7th respondent by order dated 25.03.2019, stating that the treatment was taken by him in a non network hospital. Challenging the same, this writ petition has been filed.

4.The learned counsel appearing for the petitioner submitted that in similar circumstances, this Court, passed orders in W.P(MD)No.9761 of 2013 (S.Vijaya Vs. The Additional Director, Tamil Nadu Health Scheme, Directorate of Medical and Rural Health Service Campus, New Building 2nd floor, Teynampet, Chennai and 2 others) on 09.12.2016, directing the respondents therein to consider the claim of the petitioner afresh. It would be useful to refer to the operative portion of the order, which reads as follows:
?9.This Court has considered the rival submissions made by the parties and the earlier decisions of this Court reported in 2010(2)L.W.90 in the matter of Star Health and Allied Insurance Company Limited V. A.Chokkar and others and also yet another judgment of this Court in W.A(MD)No.859 of 2013 in the matter of State of Tamil Nadu V. Mary Thilagavathi and another.

10.As has been discussed above, the reasons cited by the 1st respondent in the impugned order are either non~est or cannot be considered as valid reasons for the rejection of the claim of the petitioner for medical reimbursement, hence, this Court is of the considered view that the impugned order is unsustainable and is liable to be quashed. Accordingly, the impugned order is quashed and the matter is remitted back to the first respondent for reconsideration and while doing reconsideration, the first respondent without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of

the agreement entered into between the Government and the third respondent, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected by the respondents.?
Hence, the learned Counsel sought for a similar order in this writ petition also, for which, the learned Counsel appearing for the respective respondents have no serious objection.

5.Following the above said order, the impugned order passed by the 7th respondent dated 25.03.2019 is hereby quashed and the matter is remitted back to the 7th respondent for reconsideration. While doing reconsideration, the 7th respondent, without giving the same reasons, has to explore the possibility of granting the reimbursement to the petitioner either under the scheme or on the basis of the agreement entered into between the Government and the Insurance Company, as admittedly, the petitioner has undertaken the treatment of a major surgery, for which, the medical reimbursement cannot be refused or rejected by the respondents. The needful shall be done by the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of with the above observation. No costs.

To

1.The Secretary to Government of Tamil Nadu,
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Chennai ? 9.

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